

LUNENBURG BOARD OF HEALTH
MEETING MINUTES
April 30, 2015

The Board of Health met at 7:00 pm at the Ritter Memorial Building

Present: George Emond, Dave Shea, Perry Jewell, Dave Passios, Paul Fortin

MINUTES APPROVED:

April 6, 2015 Jewell/Shea

TITLE 5 INSPECTION REPORTS ACKNOWLEDGED:

None

SEPTIC PERMITS SIGNED:

None

2015 TOWN MEETING WARRANT ARTICLES

Article 22:

“To see if the town will vote to establish a revolving loan program under the jurisdiction of the Board of Selectman for the purposes in assisting income qualified town resident to replace or upgrade septic systems or connect to town’s sewer system; and to authorize the Board of Selectmen to enter into an agreement with the Montachusett Regional Planning Commission to administer said fund; and to provide funds for such purpose to transfer the funds recorded in Account 2575 of the Town Account’s books, which funds represent the repaid monies from a grant program provided by the former Massachusetts Executive Office of Communities and Development (EOCD) for a revolving fund for septic systems upgrades, or to take any other action thereto”

Chairman George Emond stated that this Article was placed on the Warrant without any notification or consultation with the Board of Health. Chairman Emond read correspondence sent to Town Manager Kerry Speidel asking for an opinion from Town Counsel as to whether or not the Select Board could take control of the monies currently being held by the Board of Health. Chairman Emond read the response which was given orally to Ms. Speidel which did not answer the question posed. .

The Chairman gave a brief history of the grant for members who were not on the Board at the time. He also noted that several years ago he had discussions with the EOC several years ago on the possibility of using the repaid portion of the Grant to maintain the Sewer System since there had been few inquiries over the years. Those who did inquire were directed to several other agencies where outright grants without repayment might be available. Mr. John Perko, who had worked on the program during its inception, responded that it would be an appropriate use since it would address sanitary waste issues, but could be only used for maintenance or repair of existing sewer. Expansion of the system would not be appropriate. The plan was not followed up because of objections of one of the Board members.

Perry Jewell stated that he feels that the Warrant Article makes it appear as if this is a new program. Mr. Jewell does not believe that the response reviewed from Ms. Speidel addresses the original question of whether or not the Select Board can take control of money already under the control of the Board of Health.

Chairman Emond stated that he made an inquiry on Tuesday May 24th asking Ms. Speidel if Counsel had responded to the legality of Article 22. No response had been received at that time. Later that week, Ms. Speidel responded that Counsel had responded that the BOS could establish such a revolving fund, with the caveat that it would be unusual to do so. The response did not address the core issue of whether the BOS could capture the funds from the BOH. Chairman Emond spoke with Ms. Speidel for clarification, which to date has not been received.

Perry Jewell stated that he has four major concerns with Warrant Article 22 as follows:

1. This matter should have been brought to and discussed with the Board before moving forward.
2. What is the driving desire or need to address this issue by warrant article at Annual Town Meeting?
3. Town Counsel has not answered our original question as to whether the Select Board has the right or power to take control of the funds. They are grant funds given specifically to the Board of Health.
4. The feeling that the Select Board is getting involved in and taking control of every aspect of town government.

The members of the Board are in agreement with these four major concerns.

Chairman Emond also stated that he has seen a recent pattern of the Select Board involving themselves in the affairs of other Elected Boards and Committees and is concerned that this interference is possibly responsible for the lack of interest of our citizens in volunteering for public service and participation in town government.

At the end of the discussion, on Motion by Jewell and second by Fortin, the board voted to authorize Dave Passios to speak on behalf of the Board of Health at the Annual Town Meeting to be held on Saturday, May 2, 2015. All were in favor.

Meeting adjourned 7:51 pm